R156. Commerce, Occupational and Professional Licensing.
R156-46a. Hearing Instrument Specialist Licensing Act Rules.
R156-46a-101. Title.
These rules are known as the "Hearing Instrument Specialist Licensing Act Rules."

R156-46a-102. Definitions.
In addition to the definitions in Title 58, Chapters 1 and 46a, as used in Title 58, Chapters 1 and 46a or these rules:
(1) "Qualified professional continuing education," means continuing education that meets the standards of the National Board for Certification in Hearing Instrument Sciences.
(2) "Unprofessional conduct," as defined in Title 58 Chapters 1 and 46a, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-46a-502.

R156-46a-103. Authority - Purpose.
These rules are adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58 Chapter 46a.

R156-46a-104. Organization - Relationship to Rule R156-1.
The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-46a-302a. Qualifications for Licensure - Hearing Instrument Specialist Certification Requirement.
In accordance with Subsections 58-1-203(2) and 58-1-301(3), an applicant shall submit a notarized copy of his current certificate documenting National Board for Certification in Hearing Instrument Sciences (NBC) to satisfy the certification requirement for licensure as a hearing instrument specialist in Subsection 58-46a-302(1)(e).

R156-46a-302b. Qualifications for Licensure - Hearing Instrument Specialist Experience Requirement.
In accordance with Subsections 58-1-203(2) and 58-1-301(3), the experience requirement for licensure as a hearing instrument specialist in Subsection 58-46a-302(1)(d) is defined and clarified as follows.
An applicant shall document successful completion of 2000 hours of acceptable practice as a hearing instrument intern by submitting a notarized Completion of Internship form provided by the division.

R156-46a-302c. Qualifications for Licensure - Hearing Instrument Intern Education and Examination Requirement.
In accordance with Subsections 58-1-203(2) and 58-1-301(3), the education and examination requirement for licensure as a hearing instrument intern in Subsection 58-46a-302(2)(d) is defined and clarified as follows.
An applicant shall document successful completion of the National Institute for Hearing Instruments Studies (NIHIS) Training Manual for Professionals in the Field of Hearing Instrument Sciences by passing the final examination with a passing score as determined by the NIHIS. An applicant shall document passing the final examination by submitting an official letter from the National Assessment Institute or the Utah Hearing Aid Society, both of which are designated as official proctors of the examination.

R156-46a-302d. Qualifications for Licensure - Passing Score for Utah Law and Rules Examination.
In order to pass the Utah Law and Rules Examination for Hearing Instrument Specialists, an applicant as a hearing instrument specialist or hearing instrument intern shall achieve a score of at least 75%.

R156-46a-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 46a is established by rule in Section R156-1-308.

(2) Renewal procedures shall be in accordance with Section R156-1-308.

(3) An individual who is a licensed Utah hearing aid specialist prior to July 1, 1994, may document 2000 hours of practice as a licensed Utah hearing instrument specialist for the 2000 hours of practice as a hearing instrument intern required by Subsections 58-46a-306(1) and 58-46a-302(1) in order to renew his license on September 30, 1996.

R156-46a-308. Quality Assurance Program.

The approved quality assurance program as set forth in Section 58-46a-308 is defined, clarified, and established as follows.

(1) The quality assurance program shall consist of a quality assurance provider, quality assurance reviewers, and the subscribing hearing instrument specialists and shall be under the direction of the quality assurance provider.

(2) The quality assurance provider shall clearly demonstrate that its personnel have such knowledge and expertise in the practice of a hearing instrument specialist and quality assurance to permit the quality assurance provider to competently conduct a hearing instrument specialist quality assurance program.

(3) The quality assurance provider shall submit a written document to the division for prior approval which shall:

(a) outline the quality assurance program in detail;

(b) set forth the standards and audit criteria against which the hearing instrument specialist will be reviewed;

(c) establish the criteria for selection of those persons who will be accepted to perform quality assurance review;

(d) document the standards for reporting the results of the quality assurance review; and

(e) document corrective action procedures.

(4) The quality assurance provider shall submit evidence satisfactory to the division that it can and will conduct the quality assurance program objectively and that the quality assurance reviewers and any others associated with the quality assurance program are independent of and unbiased with respect to any individual subjected to review.

(5) The contract between the quality assurance provider and its subscribing hearing instrument specialists shall provide that the quality assurance review process be conducted not less frequently than once in every three years.

(6) The primary emphasis of the quality assurance program shall be educational.

(7) A quality assurance provider, to obtain approval from the division, shall provide in its agreement between the provider and subscribing hearing instrument specialist that:

(a) upon a finding of gross incompetence, the provider shall provide its findings to the division for appropriate action;

(b) if the subscribing hearing instrument specialist fails to substantially comply with a plan of correction determined appropriate by the provider following quality assurance review by the provider, the subscriber will suspend the subscribing hearing instrument specialist from that provider's quality review program and will report such suspension to the division; and

(c) the provider will make available to the division the results of a quality review upon the proper issuance of a Subpoena Duces Tecum by the division in accordance with the provisions of Title 58, Chapter 1.

(8) Any fees charged for participation in the quality assurance program shall be reasonable and necessary and shall be submitted by the quality assurance provider to the division for approval prior to implementation or change.

R156-46a-502a. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) violating any state or federal law applicable to persons practicing as a hearing instrument specialist or hearing instrument intern;

(2) failure to perform the minimum components of an evaluation for a hearing aid as set forth in Section R156-46a-502b;

(3) aiding or abetting any person other than a Utah licensed hearing instrument specialist, a licensed hearing instrument intern, a licensed audiologist, or a licensed physician to perform a hearing aid examination;

(4) dispensing a hearing aid without the purchaser having:

(a) received a medical evaluation by a licensed physician within the preceding six months prior to the purchase of a hearing aid; or

(b) a document signed by the purchaser being a fully informed adult waiving the medical evaluation in accordance with Food and Drug Administration (FDA) required disclosures, except a person under the age of 18 years may not waive the medical evaluation.

(5) failure to perform a prepurchase hearing evaluation; or

(6) supervising more than two hearing instrument interns at one time.

R156-46a-502b. Minimum Components of an Evaluation for a Hearing Aid and Dispensing of a Hearing Aid.

(1) The minimum components of a hearing aid examination are the following:

(a) air conduction tests at frequencies of 250, 500, 1000, 2000, and 4000 Hertz;

(b) appropriate masking if the air conduction threshold at any one frequency differs from the bone conduction threshold of the contralateral or nontest ear by 40 decibels at the same frequency;

(c) bone conduction tests at 500, 1000, and 2000 Hertz on every client with proper masking;

(d) speech audiometry by live voice or recorded voice, including speech discrimination testing, most comfortable loudness (MCL) measurements and measurements of uncomfortable levels of loudness (UCL); and

(e) recording and interpretation of audiograms and speech audiometry and other appropriate tests for the sole purpose of determining proper selection and adaptation of a hearing aid.

(2) Only when the above procedures are clearly impractical may the selection of the best instrument to compensate for the loss be made by trial of one or more instruments.

(3) Tests performed by a physician specializing in diseases of the ear, a clinical audiologist or another licensed hearing instrument specialist shall be accepted if they were performed within six months prior to the dispensing of the hearing aid.

R156-46a-502c. Calibration of Technical Instruments.

The requirement in Subsection 58-46a-303(3)(c) for calibration of all appropriate technical instruments used in practice is defined, clarified, and established as follows:

(1) any audiometer used in the fitting of hearing aids shall be calibrated when necessary, but not less than annually;

(2) the calibration shall include to ANSI standards calibration of frequency accuracy, acoustic output, attenuator linearity, and harmonic distortion; and

(3) calibration shall be accomplished by the manufacturer, or a properly trained person, or an institution of higher learning equipped with proper instruments for calibration of an audiometer.

KEY: licensing, hearing aids

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R156-46a

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